

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 3:07-cr-138(DCB)(LRA)

JOSEPH McNEALY

ORDER

This cause is before the Court on the defendant Joseph McNealy ("McNealy")'s objection to Magistrate Judge James C. Sumner's order denying supplemental discovery (**docket entry 83**). Having carefully considered the objection, and being fully advised in the premises, the Court finds as follows:

On February 15, 2009, the defendant filed a motion for supplemental discovery. On March 1, 2009, the government responded, showing that "[d]iscovery with the exceptions of the images of child pornography was timely provided to the defense." Government's Response, p. 1. The government further responded that a bit-stream image copy of the digital evidence seized from the defendant's computer has been made available for inspection by the defendant's expert at the United States Attorney's Office in Mobile, Alabama.

On March 11, 2009, Magistrate Judge Sumner denied the defendant's motion, finding that the "[d]efendant has failed to establish that any items not already provided by the government are material to the preparation of his defense or are otherwise

discoverable." Order of March 11, 2009. In his objection, the defendant merely states that he "respectfully disagrees" with the Order, without further elaboration. The defendant has failed to show that the magistrate judge's order is "contrary to law or clearly erroneous" (Fed.R.Crim.P. 59(a)); therefore, his objection is not well taken. Accordingly,

IT IS HEREBY ORDERED that the defendant's objection to Magistrate Judge James C. Sumner's order denying supplemental discovery (**docket entry 83**) is DENIED.

SO ORDERED, this the 23rd day of March, 2009.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE